

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAKOTAH JACOBSON,

Plaintiff,

v.

LAS VEGAS METRO POLICE
DEPARTMENT,

Defendant.

Case No. 2:24-cv-02229-GMN-MDC

**ORDER DISMISSING AND CLOSING
CASE**

Plaintiff Lakotah Jacobson brings this civil-rights lawsuit under 42 U.S.C. § 1983 to redress constitutional violations that he allegedly suffered while incarcerated. On June 17, 2025, the Court ordered Plaintiff to file an updated address with the Court on or before July 18, 2025. (ECF No. 3). That deadline expired without any response by Plaintiff and his mail from the Court is being returned as undeliverable. (ECF No. 4).

I. DISCUSSION

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives. *See In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

1 The first two factors, the public’s interest in expeditiously resolving this litigation and the
2 Court’s interest in managing its docket, weigh in favor of dismissal of Plaintiff’s claims. The third
3 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of
4 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court
5 or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth
6 factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by
7 the factors favoring dismissal.

8 The fifth factor requires the Court to consider whether less drastic alternatives can be used
9 to correct the party’s failure that brought about the Court’s need to consider dismissal. *See Yourish*
10 *v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
11 alternatives *before* the party has disobeyed a court order does not satisfy this factor); *accord*
12 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts “need not exhaust every
13 sanction short of dismissal before finally dismissing a case, but must explore possible and
14 meaningful alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because
15 this action cannot realistically proceed without the ability for the Court and the defendants to send
16 Plaintiff case-related documents, filings, and orders, and litigation cannot progress without
17 Plaintiff’s compliance with the Court’s orders, the only alternative is to enter a second order setting
18 another deadline. But without an updated address, the likelihood that the second order would even
19 reach Plaintiff is low, so issuing a second order will only delay the inevitable and further squander
20 the Court’s finite resources. Setting another deadline is not a meaningful alternative given these
21 circumstances. So the fifth factor favors dismissal. Having thoroughly considered these dismissal
22 factors, the Court finds that they weigh in favor of dismissal.

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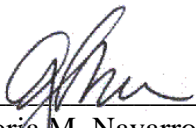
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1 **II. CONCLUSION**

2 **IT IS HEREBY ORDERED** that this action is dismissed without prejudice based on
3 Plaintiff's failure to file an updated address in compliance with the Court's order. The Clerk of
4 Court is kindly directed to enter judgment accordingly and close this case. No other documents
5 may be filed in this now-closed case. If Plaintiff wishes to pursue his claims, he must file a
6 complaint in a new case, address the matter of the filing fee, and provide the Court his updated
7 address.

8 **IT IS FURTHER ORDERED** that the application to proceed *in forma pauperis* (ECF No.
9 1) is denied as moot.

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11 **DATED:** July 22, 2025.

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14 Gloria M. Navarro, District Judge
15 United States District Court
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